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| 10/025,267 | 12/18/2001 | Scott Leahy | 03801.P070 | 5680 |

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EXAMINER

HU, JINSONG

ART UNIT PAPER NUMBER

2154

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/025,267

Applicant(s)

LEAHY ET AL.

Examiner

Jinsong Hu

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-76 is/are pending in the application.
- 4a) Of the above claim(s) 10-20,29-61 and 70-76 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9,21-28 and 62-69 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date see attached paper.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

IDS mailed on : 1/28/02; 7/12/02; 4/7/03; 8/22/03.

DETAILED ACTION

1. Applicant's election with traverse of 1-9, 21-28 and 62-69 in the reply filed on 7/18/05 is acknowledged. Applicant does not explain the ground of the traversal

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 1-9, 21-28 and 62-69 are presented for examination.
3. Applicant's notification for changing corresponding address filed on 7/29/05 is acknowledged.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 21-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Hurvig et al. (US 2004/0205243).

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6. As per claims 21 and 27, Hurvig teaches the invention as claimed including a method to facilitate access to an online commerce site, the method including the steps of receiving a request to access a service on a server, the request including an identifier of a client [pars. 25, 70, 105-106, 145 and 166]; and validating the request based on an access rule stored on the server associated with the identifier [pars. 31-35 and 37].
7. As per claim 22, Hurvig teaches the step of validating the request based on whether a URL in the access rule is associated with the server [pars. 34 and 178].
8. As per claims 23 and 24, Hurvig teaches the identifier is an application identifier [pars. 145, 150 and 190].
9. As per claim 25, Hurvig teaches the identifier is a session certificate [par. 147 nad 158].
10. As per claim 26, Hurvig teaches the identifier is a CallName [par. 126].

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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12. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hurvig et al. (US 2004/0205243) as applied to claims 21-27 above.

13. As per claim 28, Hurvig teaches the invention substantially as claimed in claim 1. Hurvig does not specifically teach the server is an online auction server. However, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include an online auction server in Remero's system to increase the dynamic ability of the system by enable the user to shop on-line. One of ordinary skill in the art would have been motivated to modify Hurvig's system to improve the functionality of the system.

14. Claims 1-9 and 62-69 rejected under 35 U.S.C. 103(a) as being unpatentable over Remero et al. (US 2002/0069279).

15. As per claims 1-2, 4-5, 7 and 9, Remero teaches the invention as claimed including a method to provide access to services of an online commerce site that includes a plurality of servers, the method including:

responsive to a request received from a user, determining an identity of the user [pars. 9 & 22]; and

identifying a first server of the plurality of server to which to direct the user for service by the online commerce site [pars. 10, 23, 29, 33 & 35].

Remero additionally teach direct the transaction to the first server directly [par. 37]. Remero does not specifically teach the step of transmitting an identifier for the first server to the user so as to enable the user to direct a request for service to the first server of the plurality of servers. However, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the step of providing the server identifier to the user in Remero's system because doing so would bring convenience to user by allowing the user access the server at the time he/she preferred. One of ordinary skill in the art would have been motivated to modify Remero's system with the server-identifier providing step to benefit the user.

16. As per claim 3, Remero teaches a second server that provides a service level different from that of the first server, and wherein the first server of the plurality of servers is satiated with the user based on a service level agreement between the user and the online commerce site [par. 33].

17. As per claim 6, Remero teaches the online commerce site is a network-based auction site [pars. 9-11 & 39; i.e., the transaction including any service type].

18. As per claim 8, Remero teaches the step of searching a database table for a record containing the identifier to reply to the client [400, Fig. 7].

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19. As per claims 62-69, since they are computer program claims of claims 1-9, they are rejected for the same basis as claims 1-9 above.

Conclusion

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Hidary et al. (US 5,774,644), Numao et al. (US 2001/0023421), Anerousis et al. (US 6,760,775) and Elvanoglu et al. (US 6,816,886) disclose on-line service system.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinsong Hu whose telephone number is (571) 272-3965. The examiner can normally be reached on 8:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jinsong Hu

September 16, 2005

JOHN H. HARTZ
ATTORNEY
EBC/PAIR UNIT 2100